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June 11, 2010

Ms. Lani Andam,  
Regional Water Quality Control Board, Central Valley Region  
11020 Sun Center Dr., Suite 200  
Ranch Cordova, CA 95670

**TENTATIVE WASTE DISCHARGE REQUIREMENTS FOR WILDHURST  
VINEYARDS – Clearlake Pomo Tribal Request**

Dear Ms. Andam;

BSK Associates (BSK) is writing on behalf of three Clear Lake Pomo Tribes (Tribes) to enter their request for the modification of the Tentative Waste Discharge Requirements (WDR) for the Wildhurst Vineyards Wastewater Treatment Facility (project). The Tribes have identified several concerns and would like the opportunity to clarify these matters with staff.

The closest of the Tribes is the Big Valley Rancheria Band of Pomo Indians, located approximately 2 miles away from the proposed project. The main concern of the Tribes is the potential impact of the project on a State of California Species of Special Concern, the Clear Lake hitch (*Lavinia exilicauda chi*). The hitch is a significant part of Tribal culture and history. Kelsey Creek, adjacent to the project, is one of two documented remaining spawning streams for this fish.

Issues of concern to the Tribes include:

1. There was not proper noticing of the project and, as such, there was not sufficient opportunity to thoroughly review the proposal. The Tribes are an "Interested Party" and the Tribal Chairperson and Environmental Directors should be contacted and apprised during the notification process for projects within the Clearlake watershed.
2. The proposal for "Limited degradation of high-quality groundwater" in the Tentative WDR, adjacent to one of the last spawning areas of a listed fish species is problematic for the Tribes. This is particularly true for a watershed with known impaired water quality. At a minimum, the ROWD upon which the WDR is based must include a discussion of the potential nature and extent, physically and temporally, of this impact as well as a discussion explaining how that impact meets the basin plan and non-degradation standards, and specifically assesses the potential impact on the listed species.

3. Placement of a wastewater facility within a floodplain where the hitch is present or likely to be reintroduced presents a risk to the species which requires careful design, beyond the standard flood considerations
4. The proposed commingled facility runoff has potential to impact the creek. The proposed apparent reliance on a single manual transfer from process use to stormwater runoff does not provide adequate redundancy or assurance that failure will not occur.
5. The WDR, and provided supporting material, does not provide clarity with regard to seasonal variation in groundwater flow direction, if any. Additionally, the existing groundwater monitoring well locations do not appear to adequately provide for downgradient monitoring between the land application area and the creek.
6. Locations, direction and area of the spray irrigation heads must be presented and justification provided that drift cannot carry over the creek's floodplain.

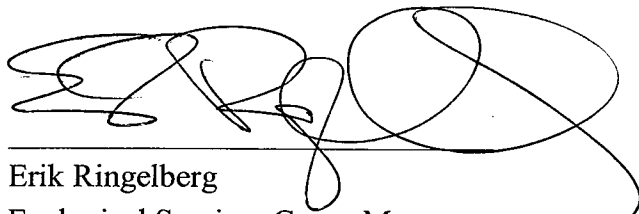
In addition to the foregoing concerns, the Tribes have also expressed their desire to:

1. Be provided with a follow-up telephone call for projects wherein a potential surface water or groundwater impact is possible within ½ mile of Clear Lake streams, or within 1 mile of the Rancherias.
2. Have impacts from planned groundwater withdrawal reviewed with consideration of withdrawals being disallowed during hitch spawning season.

Thank you for the opportunity to comment on the matter.

Please call the undersigned at (916) 853-9293 if you have any questions.

BSK, Inc.



Erik Ringelberg  
Ecological Services Group Manager